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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,799	04/04/2005	Alejandro Jose Lopez Bosio	2273-0109PUS1	6579
2292 7590 12/11/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER LE, HUYEN D				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 12/11/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/506,799

Applicant(s)

LOPEZ BOSIO ET AL.

Examiner

HUYEN D. LE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 8 and 9 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 09/07/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed September 07, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Election/Restrictions

2. Applicant's election without traverse of claims 1-7 in the reply filed on 09/19/08 is acknowledged.

Claim Objections

3. Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 7 has not been further treated on the merits.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the high-density polyurethane foam being mounted on the back of the panel (claim 4) and a subwoofer (claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. Claims 1-6 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azima et al. (U.S. patent 6,618,487).

Regarding claims 1, 2 and 5, as best understood with regarding 112, 2nd as mentioned above, Azima teaches an electroacoustic or speaker device comprising a panel (2), a motor coil assembly (3, 4) and a magnet assembly (5, 6, 7), and means (9, 11, 12, 28, 36) for attaching the motor and magnet assembly to the back of the panel (figures 1, 2, 9).

Azima does not disclose five contact areas between the electroacoustic or speaker device and the back of the panel as claimed. However, Azima does teach a plurality of contact areas (9, 36) between the device and the back panel (2).

Therefore, it would have been obvious to one skilled in the art to provide any contact areas for the speaker device of Azima such as five contact areas for better supporting and attaching the device to the panel.

Azima does not specifically teach the electroacoustic or speaker device having a frequency response as claimed. However, it would have been obvious to one skilled in the art to provide any types for the speaker device or the panel of Azima such as the type having a frequency response of 100 to 20,000 Hz+₋3dB and an efficiency of 94DB/W/m depending on the applications.

Azima teaches the flexible leads (16) and electrical terminals (15) for connecting the coil (3) to a signal source. Azima does not disclose an amplifier designed for the panel. However, providing an amplifier to a speaker device is well known in the art.

Therefore, it would have been obvious to one skilled in the art to provide an amplifier being connected to the motor assembly (3, 4) of Azima for better providing a signal source to the speaker device.

In addition to claim 2, Azima teaches the pole piece, the magnet, the secondary pole piece (5, 6, 7), the air gap (20), the coil (3), the adapting piece (4) and suspensions (28) as claimed.

In addition to claim 5, Azima teaches an adapter (9, 4) which connects the coil (3, 4) to the panel (2) and produces the sound vibration of the panel (2) as claimed.

Regarding claim 3, as broadly claimed, Azima teaches the feet (36, 38) which are stuck to the back of the panel (2) by adhesive (col. 3, lines 12-18), and the couplers (24, 28) as claimed.

Azima does not teach the adhesive which is 10-minute epoxy resin and the couplers which are elastic couplers. However, using an epoxy resin for the adhesive is known in the art, and Azima does teach the suspensions (24, 28) being resilient.

Therefore, it would have been obvious to one skilled in the art to provide an epoxy resin or 10-minute epoxy resin for better attaching the motor and magnet assembly (3, 4, 9, 12, 36) to the panel (2) and provide the elastic material to the suspensions (28) for an alternate choice.

Regarding claim 4, as broadly claimed, Azima teaches a foamed plastic disc (10) which are mounted on the back of the panel (2).

Regarding claim 6, as best understood with regarding 112, 2nd, Azima does not teach a subwoofer which is mounted to the speaker device. However, providing a speaker system having a plurality of different kinds of speakers is known in the art.

Therefore, it would have been obvious to one skilled in the art to provide any kinds of speakers to the Azima speaker device such as a subwoofer having a frequency response from 20 to 100 Hz to obtain a frequency response from 20 to 20,000 Hz depending on the desired frequency characteristics for the speaker system.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Azima et al. (US 6,192,136) teaches a signal amplifier (10) which is connected to a transducer (9) by conductors (28).

Lopez Bosio et al. (US 6,965,679) teaches a construction of an electro-acoustic device.

Freadman (US 4,625,328) teaches a power amplifier which is attached to the rear portion of a speaker unit (20).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUYEN D. LE/
Primary Examiner, Art Unit 2614

HL
December 4, 2008